

JULY 14, 2005

City Council Minutes

The Round Rock City Council met in Regular Session on Thursday, July 14, 2005, in the City Council Chamber, 221 E. Main Street.

CALL REGULAR SESSION TO ORDER – 7:00 P.M.

Mayor Pro-tem McGraw chaired the meeting in the absence of Mayor Maxwell.

PLEDGE OF ALLEGIANCE:

Mayor Pro-tem McGraw led the Pledge of Allegiance.

ROLL CALL: Those members present were Mayor Pro-tem Alan McGraw, Councilmember Rufus Honeycutt, Councilmember Joe Clifford, Councilmember Carlos T. Salinas, and Councilmember Scott Rhode. Mayor Nyle Maxwell was absent and Councilmember Gary Coe had announced his resignation from his place on the Council prior to this meeting. Also present were City Manager Jim Nuse and City Attorney Steve Sheets.

CITIZENS COMMUNICATIONS:

Councilmember Gary Coe explained that his decision to resign from the Council was due to his decision of being a candidate for Williamson County Commissioner Precinct No. 4.

Tom Clark, Utility Director announced that Terrell Wilkey, Water Utilities Analyst received the Ken Miller Water for People Founder's Award from the Texas Section of the American Water Works Association for the work he did to encourage the City of Round Rock to raise money for the organization Water for People. This award honors outstanding volunteer service to Water for People's humanitarian efforts. The City raised more than \$8,800 for Water for People, which is a non-profit organization formed by the American Water Works Association to help provide safe drinking water to people in developing nations. The American Water Works Association plans to use Round Rock as a model for other cities to get involved in Water for People's efforts.

Mr. Wilkey added that money was raised through many people and the efforts of the Water People team, Don Rundell, David Fults, Ronnie Jean, Cindy Maldonado Fronk, Michael Thane, Jeff Bell, Bonnie Cordova, Chris Spencer, Jacquelyn Smith, Donnie Kaderka, Greg Pate and Joe Bingham and especially, Jim Nuse, Tom Word and Tom Clark.

Roger Heaney, Director of Public Affairs with Time Warner Cable, reported that Time Warner will bring Movies in the Park to Old Settlers Park on July 15, The Goonies, July 22, Raiders of the Lost Ark, and August 5 Wizard of Oz. He invited everyone to come to the park and enjoy these free family events.

Mayor Pro-tem McGraw dispensed with the order of the agenda with the unanimous consent of all the Councilmembers present and addressed the following items.

12.A. Consider the appointment of Sandra Fitzpatrick as a part-time associate municipal judge. Municipal Judge Dan McNery made the staff presentation. The position for a part-time associate judge was posted by the Human Resources Department on March 21,

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2005. The City received 11 resumes for this position. Interviews were conducted with seven candidates by a panel of Municipal Court employees. A second interview was conducted by the panel and included David Kautz, Assistant City Manager. A thorough review of Ms. Fitzpatrick's credentials and references was conducted and the Human Resources Department completed a full background check as well. Ms. Fitzpatrick is extremely experienced as a Municipal Court Judge. She will serve as relief to the Presiding Judge and will be working approximately 5 hours per week.

This part time position will serve as relief for the Presiding Judge in the event of illness or absence.

MOTION: Councilmember Honeycutt moved to appoint Sandra Fitzpatrick as a part-time municipal judge. Councilmember Clifford seconded the motion.

VOTE:

Ayes:	Honeycutt Councilmember Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Pro-tem McGraw
Nays:	None
Absent:	Mayor Maxwell

ACTION: The motion carried unanimously.

12.B. Consider the confirmation of the City Manager's appointment of Jeff Seiler to the Civil Service Commission.

MOTION: Councilmember Honeycutt moved to accept the City Manager's appointment of Jeff Seiler to the Civil Service Commission. Councilmember Rhode seconded the motion.

VOTE:

Ayes:	Honeycutt Councilmember Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Pro-tem McGraw
Nays:	None
Absent:	Mayor Maxwell

ACTION: The motion carried unanimously.

PROCLAMATIONS:

5.A. Consider a proclamation proclaiming August 2, 2005 as the 22nd Annual National Night Out in the City of Round Rock. Mayor Pro-tem McGraw read the following proclamation and presented it to Sgt. David Pierce of the Police Department.

WHEREAS, the Round Rock Police Department and National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime and drug prevention program on August 2, 2005, called "National Night Out"; and

WHEREAS, the 22nd Annual National Night Out provides a unique opportunity for Round Rock to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention and quality-of-life efforts; and

WHEREAS, Citizens of Round Rock play a vital role in assisting the Police Department through joint crime and drug prevention efforts in Round Rock; and

WHEREAS, it is essential that all citizens of Round Rock be aware of the importance of crime prevention programs and impact their participation can have on reducing crime, drugs and violence in Round Rock; and

WHEREAS, police-community partnerships and neighborhood safety and awareness and cooperation are important themes of the National Night Out program,

NOW, THEREFORE, I, Nyle Maxwell, Mayor of the City of Round Rock, Texas do hereby proclaim August 2, 2005, as the 22nd Annual National Night Out in the City of Round Rock, Texas, and urge all citizens to join with me in supporting this important night.

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PROCLAIMED this 14th day of July 2005.

PRESENTATIONS:

6.A.1. Consider a presentation regarding amendments to the General Plan related to modifications to the future Land Use Map with regard to the IH-35 corridor. Jim Stendebach, Planning Director made the staff presentation. This is the first phase in a General Plan update for the northeast quadrant of the City. Staff is currently in the process of updating the City's General Plan as it relates to the northeast quadrant of the City. However, because of the rapid rate of development in the northeast, this update is being re-shaped even as it is being written. In order to keep pace with the new developments and to more accurately reflect the nature of development in the northeast, staff divided the General Plan update into phases. The first phase addresses the IH-35 corridor and recommends modifications to the Future Land Use Map contained in the General Plan. The Planning and Zoning Commission will address and make recommendations regarding the proposed modifications at their July 13th meeting, and staff will formally present this first phase of the General Plan update for adoption by the City Council on August 11, 2005. A public hearing on the amendments will be held at the July 13, 2005 Planning and Zoning Commission meeting.

PUBLIC HEARINGS:

7.A.1. Consider public testimony regarding an application filed by Tom E. Nelson, Jr. to amend the uses in District PUD No. 23 (Planned Unit Development) which consists of 54.05 acres of land. Jim Stendebach, Planning Director made the staff presentation. PUD 23 was established in 1995 as a 375-acre development comprised of Business Park along FM 1431 and single-family residential uses. The PUD was amended in 2000 and again in 2001 primarily to allow more single-family uses. In 2002, 90 acres of the PUD were rezoned to SF-2 (Single-Family Standard Lot). In 2004, a little over 7 acres was rezoned to PF-3 for the Westside Church of Christ. On June 1, 2005, the Planning and Zoning Commission rendered a favorable recommendation to amend the PUD as proposed. The proposed amendments will divide Parcel 4 into five individual development parcels. Parcel 4a will be used for model homes and will be regulated by the exact same standards as SF-2 (Single-Family Standard Lot). Parcel 4b will be used for townhouse development and will be regulated by the City's TH (Townhouse) standards. Parcel 4c will be used for commercial purposes and will be regulated by the City's C-2 (Local Commercial) standards with some exceptions to use and size to allow for more intense commercial development, which will still be less permissive than the City's C-1 (General Commercial) zoning district. Parcel 4d will be used for less intense commercial purposes and will be regulated by the City's C-2 (Local Commercial) standards with a single exception for large daycare facilities. Parcel 4e will be used for either townhouse or office uses and will be regulated by the City's TH

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(Townhouse) and OF (Office) districts, as applicable. In addition to these use regulations, the PUD amendment attaches certain design standards to the commercial and office developments, requiring 100% masonry to match the stonework in the Mayfield Ranch residential development. Signs along FM 1431 and Mayfield Ranch Boulevard will be monument signs constructed of similar masonry to that used in the Mayfield Ranch development. Driveway access is also limited by the TIA associated with the PUD and the approximate locations of the driveways are depicted on the Mayfield Ranch Enclave Parcel Map. Because the proposed uses are more compatible with the residential development nearby and more appropriate for this location, staff recommended approval.

Mayor Pro-tem McGraw opened the public hearing.

Judy Rust, 3500 Rock Shelf, Stone Oak Subdivision inquired on the number of townhomes that were being proposed and how many were two story townhomes.

Mr. Stendebach responded that the town home tract is approximately 26 acres and there are 12 townhomes to the acre and all the townhomes are two stories.

7.B.1. Consider a public hearing regarding amending Chapter 1, of the Code of Ordinances (1995 Edition) to re-adopt Section 1.1700.1, After-School Recreation Program Standards of Care. Rick Atkins, Parks and Recreation Department Director made the staff presentation. The ordinance for the PARD After-School Recreation Program Standards of Care was adopted in January 2004 and will expire on July 31, 2005. The Standards of Care need to be re-adopted on an annual basis in order to exempt the PARD After-School Recreation Program from State child-care licensing requirements.

Mayor Pro-tem McGraw opened the public hearing. There being no testimony, the public hearing was closed.

CONSENT AGENDA:

The following items were considered routine by the City Council and were enacted by one motion. There was no separate discussion on any of these items and no items were removed from the consent agenda.

*9.A. Consider approval of the City Council minutes for June 21, 2005 and June 23, 2005.

*10.D.1. Consider an ordinance authorizing the placement of stop signs at the intersection of Dell Way and the Dell Computer Parking Lot Entrance. (First Reading)

*10.D.2. Consider an ordinance amending Chapter 9, Section 9.502 of the Code of Ordinances (1995 Edition) establishing a 35-mph speed zone on Dell Way from South Mays to a point 0.366 miles west of Greenlawn Boulevard. (First Reading)

*11.A.1. Consider a resolution authorizing the Mayor to execute Change Order No. 1 with H. Deck Construction Company for the Wastewater Collection System Rehabilitation of Three Edwards Aquifer Basins.

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Absent: Mayor Maxwell

ACTION: The motion carried unanimously.

10.B.1. Consider an ordinance Amending Chapter 1, of the Code of Ordinances

(1995 Edition) to re-adopt Section 1.1700.1, After-School Recreation Program Standards of Care. (First Reading) Rick Atkins, Parks and Recreation Department Director made the staff presentation. The ordinance for the PARD After-School Recreation Program Standards of Care was adopted in January 2004 and will expire on July 31, 2005. The Standards of Care need to be re-adopted on an annual basis in order to exempt the PARD After-School Recreation Program from State child-care licensing requirements.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 1, RE-ADOPTING SECTION 1.1700.1, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO ESTABLISH STANDARDS OF CARE FOR THE PARKS AND RECREATION DEPARTMENT'S AFTER-SCHOOL RECREATION PROGRAM IN ORDER TO EXEMPT THE AFTER-SCHOOL RECREATION PROGRAM FROM STATE CHILD-CARE LICENSING REQUIREMENTS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Rhode moved to adopt the ordinance. Councilmember

Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Pro-tem McGraw

Nays: None

Absent: Mayor Maxwell

ACTION: The motion carried unanimously.

MOTION: Councilmember Clifford moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Pro-tem McGraw

Nays: None

Absent: Mayor Maxwell

ACTION: The motion carried unanimously.

10.C.1. Consider an ordinance amending the uses in District PUD No. 23 (Planned

Unit Development) which consists of 54.05 acres of land. (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. Z-95-12-21-10A, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON DECEMBER 21, 1995, BY AMENDING THE AGREEMENT AND DEVELOPMENT PLAN OF PUD NO. 23, APPROVED BY THE CITY COUNCIL IN SAID ORDINANCE, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Councilmember

Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember Clifford

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Councilmember Salinas
Councilmember Rhode
Mayor Pro-tem McGraw
Nays: None
Absent: Mayor Maxwell
ACTION: The motion carried unanimously.

MOTION: Councilmember Rhode moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Mayor Pro-tem McGraw
Nays: None
Absent: Mayor Maxwell
ACTION: The motion carried unanimously.

*10.D.1. Consider an ordinance authorizing the placement of stop signs at the intersection of Dell Way and the Dell Computer Parking Lot Entrance. (First Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TRAFFIC CODE BY DESIGNATING THE INTERSECTION OF DELL WAY AND A DELL COMPUTER PARKING LOT ENTRANCE AS AN ALL-WAY STOP INTERSECTION; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*10.D.2. Consider an ordinance amending Chapter 9, Section 9.502 of the Code of Ordinances (1995 Edition) establishing a 35-mph speed zone on Dell Way from South Mays to a point 0.366 miles west of Greenlawn Boulevard. (First Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.502, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS CHANGING THE SPEED ZONE ON A PORTION OF DELL WAY; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

RESOLUTIONS:

*11.A.1. Consider a resolution authorizing the Mayor to execute Change Order No. 1 with H. Deck Construction Company for the Wastewater Collection System Rehabilitation of Three Edwards Aquifer Basins. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into a contract ("Contract") with H. Deck Construction for the Wastewater Collection System Rehabilitation of Three Edwards Aquifer Basins, and

WHEREAS, the Council has determined that it is necessary to make changes to the quantity of work to be performed or materials, equipment, or supplies to be provided, and

WHEREAS, it has been determined that it is necessary to change said Contract in accordance with the attached Contract Change Order No. 1, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Contract Change Order No. 1 to the Contract with H. Deck Construction for the Wastewater Collection System Rehabilitation of Three Edwards Aquifer Basins, a copy of said change order being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that

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such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 14th day of July, 2005.

11.B.1. Consider a resolution authorizing the City Manager to issue a purchase order for the purchase of a Rescue Apparatus through the Texas Government Statewide Purchasing Cooperative. Larry Hodge, Fire Chief made the staff presentation. Input provided for the Fire Department’s Strategic Plan clearly shows the need for smaller rescue apparatus and the ability for our firefighters to use their advanced lifesaving support skills. Rescue 4 will be able to drive the distance to medical incidents in their assigned district in 4 minutes or less in over 80% of “in-city” EMS alarms. In addition, staffed with a Fire Department Paramedic, this crew will be able to perform advanced lifesaving support, (ALS). Another EMS alarm within the same company’s district would not have a delay in response time as the remaining Quint 4 in the quarters would be able to take that call. When responding to structure fires these companies of Rescue 4 and Quint 4 would have the equipment and manpower to immediately go into the attack mode. By having Rescue 4 assigned with Quint 4, the wear and tear on the larger apparatus would be greatly reduced by Rescue 4 taking most of the medical and non-emergency calls.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock (“City”) desires to purchase a Rescue Apparatus for the Fire Department, and

WHEREAS, the City is a member of the Texas Government Statewide Purchasing Cooperative (“Buy Board”), and

WHEREAS, Siddons Fire Apparatus, Inc. is an approved vendor of the Buy Board, and

WHEREAS, the City wishes to issue a purchase order to Siddons Fire Apparatus, Inc.,
Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City Manager is hereby authorized and directed to issue a purchase order to Siddons Fire Apparatus, Inc. for the purchase of a Rescue Apparatus for the Fire Department.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 14th day of July, 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Salinas seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Pro-tem McGraw
	Nays:	None
	Absent:	Mayor Maxwell

ACTION: The motion carried unanimously.

11.C.1. Consider a resolution authorizing the Mayor to execute an Agreement for Provision of Employee Benefit Consulting Services with Holmes Murphy & Associates.

Teresa Bledsoe, Human Resources Director made the staff presentation. For the past three

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and a half years, staff has obtained (with the approval of the Council) Benefit Consultant services from Advanced Benefits Solutions with Watson Wyatt & Co. During this period, the city has experienced significant increases in medical costs due to medical cost inflation and the city's high utilization of catastrophic claims. With the impact of the overall costs of health insurance and prescription drugs increasing staff became concerned that the agent-of-record did not provide innovative ideas other than suggestions in plan design changes with the health and RX programs. The information presented by Holmes Murphy and Associates consulting agreement indicates the capabilities, experience and expertise in providing the city with analytical power to improve the performance of the employee benefit program. This agreement formalizes the general focus to make every effort to minimize the cost of the City's employee benefit program without sacrificing the quality of the plan. The agreement will enable staff to:

- Take a strategic approach to managing the benefits programs.
- Manage benefit cost to projected financial targets.
- Improve cost management and employee satisfaction with the benefit programs.
- Explore innovative plan options and alternatives to include but not limited to: Co-op purchasing, on-site clinic, RX programs, Wellness programs, Consumer driven plans and fully insured options.
- Creative marketing materials for employee communications.

The cost of the service is \$72,000.00 annually.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain professional consulting services regarding the City's benefit programs, and

WHEREAS, Holmes Murphy & Associates has submitted an Agreement for Provision of Employee Benefit Consulting Services ("Agreement") to provide said services, and

WHEREAS, the City Council desires to enter into said Agreement with Holmes Murphy & Associates, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Agreement for Provision of Employee Benefit Consulting Services with Holmes Murphy & Associates regarding the City's benefit programs, a copy of said Agreement being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 14th day of July, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember

Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Pro-tem McGraw
	Nays:	None
	Absent:	Mayor Maxwell

ACTION: The motion carried unanimously.

11.D.1. Consider a resolution authorizing the Mayor to execute a contract with F.T.

Woods Construction for the construction of the Brushy Creek Trail East Project. Rick Atkins, Parks and Recreation Department Director made the staff presentation. The Brushy Creek

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East Trail Project includes approximately 2 ¼ miles of hike and bike trail with associated amenities, including several bridges, a pavilion, a playground, and various site amenities. The trail will run from East to West along the South bank of Brushy Creek from Red Bud Lane to the Sonoma Subdivision. The Brushy Creek Trail East Project was competitively bid in May and June. F.T. Woods Construction was the low bidder. The construction contract is based on a revision of scope that was necessary to get the project under the established budget. The cost of the services is \$1,092,200.00.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the Brushy Creek Trail East Project, and

WHEREAS, F.T. Woods Construction Services, Inc. has submitted the lowest responsible bid, and

WHEREAS, the City Council wishes to accept the bid of F.T. Woods Construction Services, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with F.T. Woods Construction Services, Inc. for the Brushy Creek Trail East Project.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 14th day of July, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Salinas seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Pro-tem McGraw
	Nays:	None
	Absent:	Mayor Maxwell

ACTION: The motion carried unanimously.

11.E.1. Consider a resolution approving the payment of a claim for the relocation of the personal property of A.T. Masonry as part of the US 79 Project. (Parcel #10, Thomison)

Steve Sheets, City Attorney made the staff presentation. The Uniform Act allows the cost of relocating personal property to be recovered as part of the acquisition of right-of-way. Estimates from contractors have been collected and the lowest bid has been recommended for payment. The relocation claims are for Parcel 10 of the US 79 improvements project.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock, is in the process of acquiring 1.051 acres of land from Aaron Thomison through condemnation for the Highway 79 expansion project, and

WHEREAS, at the time of this purchase A.T. Masonry (Aaron Thomison) was a tenant legally upon the property to be purchased and the remaining property and was displaced because of this acquisition, and

WHEREAS, pursuant to the provisions of the Uniform Act the City of Round Rock has agreed to reimburse A.T. Masonry for certain reasonable and necessary relocation expenses as a result of its displacement because of this acquisition, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor or his designated agent is hereby authorized to approve a negotiated self move request authorizing reimbursement of up to a maximum of \$65,000 for reasonable and necessary relocation and moving expenses associated with the moving of the personal property of A.T. Masonry located on property along Highway 79, a copy of which is attached hereto as Exhibit "A".

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BE IT FURTHER RESOLVED

That the agreed amount of relocation expenses shall be paid to A.T. Masonry upon its completion of the relocation and vacating of the premises described herein. That any expense incurred by the City of Round Rock in the removal of personal property which Aaron Thomison elects to abandon on the premises shall be deducted from the total amount of reimbursement to be paid.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 14th day of July, 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution.

Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Pro-tem McGraw
	Nays:	None
	Absent:	Mayor Maxwell

ACTION: The motion carried unanimously.

11.F.1. Consider a resolution authorizing the Mayor to execute a Standard Form of Agreement between Owner and Architect with Standard Form of Architect's Services, and Supplemental Agreement No. 1 with K.A. Hickman Architects & Interior Designers for the design of Fire Station #7. Tom Word, Chief of Public Works Operations made the staff presentation. The new fire station provides Fire and EMS coverage that is needed for a rapidly growing northeast section of Round Rock. Request for qualifications were sent out to three local architect firms. KA Hickman Architects was chosen to design Fire Station #7. The contract is in the amount of \$122,450 with a reimbursable allowance not to exceed \$10,000 for the total of \$132,450. This contract will include site evaluation, schematic design, site planning, design development, construction documents, bidding, and construction administration.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain professional architectural services for the design of Fire Station #7, and WHEREAS, K.A. Hickman Architects & Interior Designers has submitted a Standard Form of Agreement Between Owner and Architect with Standard Form of Architect's Services ("Agreement"), and Supplemental Agreement No. 1 to provide said services, and

WHEREAS, the City Council desires to enter into said Agreement, and Supplemental Agreement No. 1 with K.A. Hickman Architects & Interior Designers, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Standard Form of Agreement Between Owner and Architect with Standard Form of Architect's Services ("Agreement"), and Supplemental Agreement No. 1 with K.A. Hickman Architects & Interior Designers for the design of Fire Station #7, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

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MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Honeycutt seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt
	Councilmember Clifford
	Councilmember Salinas
	Councilmember Rhode
	Mayor Pro-tem McGraw
Nays:	None
Absent:	Mayor Maxwell

ACTION: The motion carried unanimously.

11.F.2. Consider a resolution authorizing the Mayor to execute a Memorandum of Agreement with the Texas Commission on Environmental Quality in support of an Implementation Plan for the Texas Heavy-Duty Vehicle Idling Rule. Tom Word, Chief of Public Works Operations made the staff presentation. On December 18, 2003, the City of Round Rock executed a resolution in support of the recommended emission reduction measures (which included Heavy-Duty Vehicle Idling) for inclusion in the Austin/Round Rock MSA Clean Air Action Plan. The Austin/Round Rock MSA has prepared a Clean Air Action Plan (CAAP) with selected emission reduction measures that provides clean air sooner, maintains local flexibility, and defers the effective date of non-attainment designation for the 8-hour ozone standard. One of the emission reduction measures that will contribute a reduction in emissions is the Heavy-Duty Vehicle Idling Program. This measure restricts engine idling of vehicles with a gross vehicle weight rating of more than 14,000 pounds to five consecutive minutes. Exemptions are allowed for vehicles with gross vehicle weight rating of 14,000 pounds or less; that are forced to remain motionless because of traffic conditions over which the operator has not control; are being used as an emergency or law enforcement vehicle; when the engine operation is providing power for a mechanical operation other than propulsion; when engine operation is providing power for multiple passenger heating or air conditioning; when the engine is being operated for maintenance or diagnostic purposes; or when the engine is being operated to defrost a windshield.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into an Early Action Compact Agreement (“Agreement”) with the U.S. Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) in order to proactively and effectively address the region’s air quality issues, and

WHEREAS, the City of Round Rock has, with other communities in the region, developed and approved the Clean Air Action Plan that consists of numerous state and locally-implemented measures to improve the area's air quality, and

WHEREAS, the City of Round Rock is committed to implement the measures in the Clean Air Action Plan per Early Action Compact requirements, and

WHEREAS, the TCEQ has incorporated the Clean Air Action Plan into the State Implementation Plan ("SIP"), making the measures in the Clean Air Action Plan state and federally enforceable, and

WHEREAS, one of the measures included in the Clean Air Action Plan and the SIP is the state rule for locally enforced motor vehicle idling limitations, and

WHEREAS, implementation of the state rule for locally enforced motor vehicle idling limitations requires local governments to enter into a Memorandum of Agreement (MOA) with TCEQ for local implementation and enforcement of the rule, and

WHEREAS, implementation of the state rule for locally enforced motor vehicle idling limitations also requires local governments to submit a detailed implementation plan to TCEQ, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS THAT:

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1. The City of Round Rock hereby approves the Memorandum of Agreement and the Implementation Plan for the Texas Heavy-Duty Vehicle Idling Rule, attached hereto as Exhibits "A" and "B", respectively, and incorporated herein for all purposes.

2. The Mayor is hereby authorized and directed to execute on behalf of the City the Memorandum of Agreement, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 14th day of July, 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution.

Councilmember Rhode seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt
	Councilmember Clifford
	Councilmember Salinas
	Councilmember Rhode
	Mayor Pro-tem McGraw
Nays:	None
Absent:	Mayor Maxwell

ACTION: The motion carried unanimously.

11.G.1. Consider a resolution authorizing the Mayor to execute a Reimbursement Agreement with AT&T Corporation for the relocation of utilities for the Forest Creek Drive Project. Tom Martin, Director of Transportation Services made the staff presentation. This agreement will reimburse AT&T Corporation for the work to relocate and adjust the fiber optic cable along Forest Creek Drive. The cable location crosses Forest Creek Drive and is in conflict with the proposed roadway construction.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock wishes to enter into a Reimbursement Agreement with AT&T Corporation ("AT&T") for the relocation of fiber optic cables owned by AT&T in connection with the Forest Creek Drive Project, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City said Reimbursement Agreement with AT&T Corporation, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 14th day of July, 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember

Rhode seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt
	Councilmember Clifford
	Councilmember Salinas
	Councilmember Rhode
Nays:	Mayor Pro-tem McGraw
Absent:	Mayor Maxwell

ACTION: The motion carried with 4 ayes and 1 nay.

11.G.2. Consider a resolution authorizing the Mayor to execute a Reimbursement Agreement with MCI Worldcom Network Services, Inc. for the relocation of utilities for the A.W. Grimes Boulevard Project. Tom Martin, Director of Transportation Services made the

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staff presentation. This agreement will provide reimbursement to MCI WORLDCOM Network Services for relocating and adjusting their fiber optic cable. The cable location is in conflict with the location of A.W. Grimes Boulevard as A.W. Grimes passes under the Union Pacific railroad bridge and over Brushy Creek.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock wishes to enter into a Reimbursement Agreement with MCI Worldcom Network Services, Inc. ("MCI") for the relocation of fiber optic cables owned by MCI in connection with the A.W. Grimes Boulevard Project, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City said Reimbursement Agreement with MCI Worldcom Network Services, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 14th day of July, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Pro-tem McGraw
	Nays:	None
	Absent:	Mayor Maxwell

ACTION: The motion carried unanimously.

11.G.3. Consider a resolution authorizing the Mayor to execute a contract with RGM Constructors, L.P. for the construction of A.W Grimes Boulevard Phase II from Lake Creek to US 79. Tom Martin, Director of Transportation Services made the staff presentation. This project is the second Phase of the A. W. Grimes improvements. Phase I constructed a six-lane section from SH 45 to Lake Creek. As part of the second phase, UPRR will reconstruct their bridge over Brushy Creek to accommodate the City's underpass on the Railroad. This project will construct a new Arterial Roadway from Lake Creek to US 79 and complete the Arterial Roadway from SH 45 to US 79. Cost: \$ 4, 978,357.76.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the A.W. Grimes Boulevard, Phase II, from Lake Creek to US 79 Project, and

WHEREAS, RGM Constructors, L.P. has submitted the lowest responsible bid, and

WHEREAS, the City Council wishes to accept the bid of RGM Constructors, L.P., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with RGM Constructors, L.P. for the A.W. Grimes Boulevard, Phase II, from Lake Creek to US 79 Project.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 14th day of July, 2005.

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MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Pro-tem McGraw
 Nays: None
Absent: Mayor Maxwell

ACTION: The motion carried unanimously.

APPOINTMENTS:

12.A. Consider the appointment of Sandra Fitzpatrick as a part-time associate municipal judge. This item was addressed earlier in the meeting.

12.B. Consider the confirmation of the City Manager's appointment of Jeff Seiler to the Civil Service Commission. This item was addressed earlier in the meeting.

NEW BUSINESS:

13.A.1. Consider a request filed by April Pennington, of 2210 Sedgewick Lane, for a special exception to the Noise Ordinance (Chapter 6, Section 6.203(2)) to allow a band to play from 10:00 p.m. to midnight on July 23, 2005. The item was withdrawn from the agenda at the request of the applicant.

COUNCIL COMMENTS: Councilmember Salinas congratulated Josh Elander of Round Rock for being awarded the National Championship Award in the 13-14 year old division of the Pepsi MLB Pitch, Hit and Run competition. The notable accomplishment at the national finals was that Josh's run time was 6.57 seconds, which broke the previous record time of 6.75 seconds.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:27 p.m.

Respectfully Submitted,

Christine R. Martinez, City Secretary